



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BUSH *et al.*

Appl. No. 09/380,704

Filed: June 6, 2000

For: **Identification of Agents for Use in
the Treatment of Alzheimer's
Disease**

Confirmation No. 2953

Art Unit: 1647

Examiner: Bunner, B.

Atty. Docket: 0609.4350001/JAG/FRE *JM*

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3/24/02

**Reply To Restriction Requirement and
Requirement for Election of Species**

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Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In reply to the Office Action dated **January 28, 2002** (PTO Prosecution File Wrapper Paper No. 17), requiring an election of one invention to prosecute in the above-referenced patent application and requiring an election of species, Applicants hereby provisionally elect to prosecute the invention of **Group I**, represented by claims 1-2, 37, 38 and 53. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **without** traverse.

The Examiner stated that if Group I is elected, Applicants are also required to elect a single species of: (a) metal chelators (bathocuproine, bathophenanthroline, penacillamine, TETA, TPEN, hydrophobic derivatives, DTPA, EDTA or EGTA), and (b) "additional compounds" (rifampicin, disulfiram, or indomethacin), to which the claims shall be restricted if no generic claim is finally held to be allowable. *See* Paper No. 17, page 11.


Accordingly, Applicants hereby provisionally elect the following species of metal chelators: **bathocuproine**. Claims 1-2, 37, 38 and 53 read on such species. Furthermore, Applicants hereby provisionally elect the following species of "additional compounds": **indomethacin**. Claims 1-2, 37, 38 and 53 read on such species. These elections are made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). The elections of species are made **without** traverse. Consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: 3/5/02

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